

## Questions and Answers

### **Draft Request for Proposals (RFP)**

#### **Section C**

1. **C.4(b)(1)c(3).** Under the heading “Particle Astrophysics,” the Statement of Work states, “In view of Fermilab’s contributions to and the scientific importance of the Sloan Digital Sky Survey (SDSS), the Contractor shall continue operation of the SDSS.” Fermilab is a Participating Institution with the Astrophysical Research Consortium that manages and operates the SDSS. We recommend that the words “participating in” be added before the word “operation” in this phrase.

**Answer:**

The proposed change will be made in the final RFP.

2. **C.4(b)(5).** An important element of Fermilab’s mission to develop and educate the next generation of scientists and engineers is operation of the U.S. Particle Accelerator School, which is not mentioned in the Statement of Work. We recommend that in the second paragraph of Section C.4(b)(5), the clause “(i) operation of the U.S. Particle Accelerator School;” be added before the clause “(i) joint experimental programs with colleges, universities, and nonprofit research institutions;” and that this clause and those that follow be renumbered accordingly.

**Answer:**

The proposed change will be made in the final RFP.

#### **Section F**

1. **F.2(d)(5).** Paragraph F.2 (d)(5) provides that a significant failure of the Contractor’s management controls as defined in the clause entitled “Management Controls” ( I-87, p. 121) or a first degree performance failure as defined in the clause "Conditional Payment of Fee" (I.94, p. 131) may result in the forfeiture of up to three years of earned award term. Unlike the Conditional Payment of Fee clause the Management Controls clause does not have any objective guidance or criteria for a “significant failure.” Please provide objective guidance or criteria that define a “significant failure” of the Contractor’s management controls or limit the reference to the Conditional Payment of Fee clause.

**Answer:**

No change will be made in the RFP. The intent of the Management Controls clause is to ensure that the Contractor understands its responsibilities towards maintaining adequate management systems. Examples of system failures that the Department would consider significant would include, but are not limited to actions (or inactions) taken by the Contractor that would cause the Department to decertify the procurement or property systems. Another example might be the loss of confidence in the Contractor’s financial system based on a negative opinion from either the Laboratory’s own Internal Audit group or an independent audit organization.

## Section H

1. The draft RFP lacks a clause in Section H that protects the privileged and confidential records of the Contractor. We recommend that a clause, similar to H.22 of the current contract, be added to Section H of the draft RFP: "Records Not Acquired or Generated Under This Contract. Correspondence (including privileged or confidential records, including legal files) between the Contractor's corporate offices (including governing bodies) and the Laboratory, as well as records of this type related to the functions of the Contractor's corporate offices and governing bodies are not considered records acquired or generated under this contract and are not covered by the provisions of Clause I.91."

### Answer:

The proposed change is not accepted. DOE's policy regarding access to and ownership of records is as stated in Clause I.91.

2. H.4. The draft RFP lacks a clause in Section H.4 under the heading, "Items of Allowable Costs," that cover costs for the Fermilab swimming pool and the Laboratory Director's automobile expenses which are solely related to business use. We recommend that the following clauses be added as allowable costs in Section H.4: "(g) Net costs for the Fermilab swimming pool," and "(h) Laboratory Director's automobile expenses (lease costs, gasoline, insurance, etc.) which are solely related to business use. Costs related to all other use are unallowable."

### Answer:

A new section, H.4(g), will be added to the final RFP to reflect the allowability of net costs for the Fermilab swimming pool. No change will be made to the RFP to reflect the Laboratory Director's automobile expenses. These costs will be appropriately dealt with under the applicable FAR/DEAR cost principles.

## Section I

1. The Table of Contents of Section I instructs offerors "to fill in their legal entity name in Paragraphs (d)(2), (e)(3)(v), (e)(4), and (i)(2) of Clause I.104." Clause I.104 is not included as a portion of the uniform contract that offerors must complete in the instructions for Volume I in Section L.1(c)(1) on page L-3. Our interpretation of the instructions in the Table of Contents of Section I, however, is that we should include Clause I.104 with our proposal even though the referenced paragraphs discuss future copyrighted materials, the originators of which may differ. Please clarify if offerors should include Clause I.104 with their proposals or if Clause I.104 only applies to markings on future copyrighted materials.

### Answer:

The language in the table of contents regarding I.104 will be deleted in the final RFP.

2. **I.34. Clause I.34, FAR 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-designated Products (AUG 2000), does not appear to be appropriate for this contract. FAR 23.406 prescribes its use for “solicitations and contracts exceeding the \$100,000 that include the provision at 52.223-4.” The provision at 52.223-4, Recovered Material Certification, is to be inserted in solicitations that are for, or specify the use of, EPA-designated products containing recovered materials. The provision at 52.223-4 is not in this solicitation, nor does it appear to be appropriate. If our interpretation is correct, Clause I.34 should be deleted.**

**Answer:**

Clause I.34 will be deleted in the final RFP.

## **Section J**

1. **Appendix I. DOE Order 151.1C, Comprehensive Emergency Management System, should be deleted from the List of Applicable Directives since it is covered in the Fermilab Work Smart Standards, which include the following generally accepted standards:**
- **18 U.S. Code Sections 841-848 (Use, or threat of use, of explosives; includes civil disorders)**
  - **29 CFR 1910 (Subpart E - Exit Routes, Emergency Action Plans, and Fire Prevention Plans)**
  - **29 IAC Chapter 1, Subchapter f (Emergency services, disasters, and civil defense /ESDA/ chemical safety)**
  - **41 IAC 100 (Fire prevention and safety)**
  - **41 IAC 140 (Policy and procedures manual for fire protection personnel)**
  - **NFPA 1600 (Standard on Disaster/Emergency Management and Business Continuity Programs)**

**Answer:**

DOE Order 151.1C will not be deleted from the RFP. Although the statement regarding the Fermilab WSS's is accurate, DOE's expectations for Emergency Management programs at its facilities have been raised through issuance of Version C of DOE Order 151.1. It is DOE's intent, following completion of this competition process, to meet with the selected M&O contractor for specific discussions related to implementation of 151.1C in an appropriately graded manner, as allowed for in the Order.

2. **Appendix I. DOE O 1350.1, Change 1, Audiovisual and Exhibits Management, does not appear to apply to contractors. Section 2 of the Order states, “The provisions of this Order apply to all elements of the Department of Energy...” and, in Section 7, no responsibilities are delineated for contractors. Moreover, there is no Contractor Requirements Document. If this is correct, the Order should be deleted from Appendix I.**

**Answer:**

DOE O 1350.1, Change 1 will be deleted from Appendix I.

## Section L

1. **L.1(e). The RFP does not list a preferred file format for the proposal files on the CD ROMs required for submittal. In the interest of making the files as accessible and easy to print as possible, are Adobe Acrobat files (.pdf) acceptable?**

**Answer:**

The final RFP will contain an added paragraph after “Electronic Submission” at the end of L.1(e), reading:

“Documents may be submitted in Adobe Acrobat, Microsoft Word or Corel WordPerfect document formats.”

2. **L.2(b). Section L.2(b) instructs offerors to describe their experience in successfully managing the design and construction of R&D facilities, on schedule and within budget, providing examples of such projects within the last three years. Projects most relevant to the scope and complexity of FNAL’s facilities often have lead-times greater than three years for planning, design, construction, certification, start-up and initial operation. Will the Government consider accepting discussions of relevant experience in this area within a period greater than the last three years?**

**Answer:**

Section L.2(b) will be revised to require discussion of up to three specific examples of design and construction of R&D facilities within the last five completed fiscal years.

3. **L.4(b)(3). Section L.4(b)(3) combines the subjects of project management and infrastructure management whereas they are considered separate subjects in Section M.4(b). Section L instructions primarily focus on project management. Does DOE have more specific instructions for infrastructure management?**

**Answer:**

The following language will be added at the end of Section L.4(b)(3):

“Also describe your approach to ensure laboratory infrastructure is managed in a way that promotes operational safety, environmental compliance, and cost effectiveness while meeting DOE missions.”

4. **L.6. Section L.6 does not include requirements corresponding to several key evaluation factors contained in Section M.6: identify key issues, identify potential barriers to a smooth transition, and propose solutions to the barriers identified.**

**Answer:**

At the end of L.6 on page L-14, we will replace the last sentence with the following:

“Identify key issues, milestones, potential barriers to a smooth transition, proposed solutions to the barriers, identify any potential impacts on continuity of operations and plans for their elimination or mitigation.”

5. **L.9(e)(2).** Our interpretation of Section L.9(e)(2) is that offerors submitting proposals as a joint venture or LLC must submit all of Section K Representations, Certifications, and Other Statements of Bidders/Offerors for the joint venture or LLC itself, for each member of the joint venture or LLC separately, and for Team members, such as subcontractors to the joint venture or LLC as part of a Teaming Arrangement. Is this interpretation correct?

**Answer:**

Yes, your interpretation is correct.

6. **L.9(e)(2).** For each member of an offeror's bidding entity that is required to submit Section K Representations, Certifications, and Other Statements of Bidders/Offerors in accordance with the requirements of Section L.9(e)(2), does the Government also desire printed copies of each member's ORCA record to be submitted with offerors' proposals in addition to verification that Annual Representations and Certifications have been completed on ORCA in accordance with Section K.1?

**Answer:**

Submission of printed copies is not required.

7. **L.9(e)(2).** For each member of an offeror's bidding entity that is required to submit Section K Representations, Certifications, and Other Statements of Bidders/Offerors in accordance with the requirements of Section L.9(e)(2), does the Government also desire printed copies of each member's CAS Disclosure Statement to be submitted with offerors' proposals in addition to certification of its submission in accordance with Section K.6?

**Answer:**

Yes.

8. **L.27(a).** The list of criteria defining a "Responsible Offeror" in Section L.27(a) is missing a criterion (4). Is this an omission or a typographical error in the numbering?

**Answer:**

That was a typographical error, the criteria will be renumbered in the final RFP.

## **Section M**

1. **M.2(b).** Section L.2(b) includes a requirement to describe "experience in property (real and personal) management," but has no corresponding evaluation criterion in Section M.2(b).

**Answer:**

M.2(b) will be revised in the final RFP to add "real and personal property management" as one example following "including" at the end of the 4<sup>th</sup> line. In the 8<sup>th</sup> line "ISSM" will be added after "ES&H".

2. **M.4(b). Section L.4(b)(4) includes the requirement to address security. Section M.4 (b) lacks a corresponding evaluation criterion for security.**

**Answer:**

M.4(b) of the final RFP will be revised to add “,ISSM” following “ES&H” four lines from the bottom of the page.